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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,526	03/23/2001	Thomas Mueller	10191/1773	8027
26646	7590	08/26/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			GRIER, LAURA A	
			ART UNIT	PAPER NUMBER
			2644	
DATE MAILED: 08/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,526

Applicant(s)

MUELLER ET AL.

Examiner

Laura A. Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 2, 5- 9, 13 and 17** are rejected under 35 U.S.C. 102(e) as being anticipated by Janky et al., U. S. Patent No. 20030176937.

Regarding claims 2, 5, 9, and 17, Janky et al. (herein, Janky) discloses a display (67); a loudspeaker (75); and data/command entry (65); and various memories (61, 63, 59, 57); a microprocessor (55); where is inherent that the files stored in the memories can be linked to a other one of the other memories, and with the processor being coupled to the docking station, the SPU, the audio data files may be stored in the memory of the SPU, wherein the SPU includes a memory, a display, a loudspeaker and an microprocessor of it is own.(figure 1, paragraphs 0028-0029, 0031-0033, 0044). Through the use of the coupling microprocessor to the display and memory, it is inherent that the processor enables the display to provide the address (which memory or drive means) or location, and the title of the audio files, thus inherently indicates the processor decoding.

Regarding claim 6, Janky discloses everything claimed as applied above (see claim 17).

Janky discloses a variety of memories (hard drives, flash memory, ROM and RAM), provides for inherent support of the storage device being removable from the disk drive.

Regarding claims 7-8, Janky discloses everything claimed as applied above (see claim 6).

Janky discloses the claimed limitation, wherein, these are inherent limitations of the microprocessor from processing and playing audio data files.

Regarding claim 13, Janky discloses everything claimed as applied above (see claim 17).

Janky discloses a variety of memories (hard drives, flash memory, ROM and RAM).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 3, 4, 10-12, and 15-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Janky et al.

Regarding claim 3, Janky discloses everything claimed as applied above (see claim 2).

Janky discloses a data/command entry means. However, Janky fails to disclose the data/command entry means with a plurality of operating control elements, therein. An input apparatus having a plurality of operating elements was well known in the art. Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to

modify the invention of Janky by providing a plurality of control elements to enable efficient operation and manipulation of the audio data files.

Regarding claims 4 and 15, Janky discloses everything claimed as applied above (see claim 17). Janky fails to disclose the input apparatus as a rocker or as remote control. The use of various input apparatus were well known in the art. Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Janky by providing specific input apparatuses for the purpose enable specifically desired means of controlling the input of the audio data command for easy and convenient manipulation.

Regarding claims 10-12, Janky discloses everything claimed as applied above (see claim 17). Various processing or playback techniques of audio data files are well known in the art. Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Janky by providing varied specific processing and play techniques that are specific to selecting and/or sorting when or how particular audio data files are to played back for real-time audio.

Regarding claim 14, Janky discloses everything claimed as applied above (see claim 17). Janky fails to disclose the multimedia data files as coded in MP3. The use of coded MP3 files was well known in the art. And with Janky using a SPU, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Janky by providing coded MP3 files for purpose enhancement and download or transmission of multimedia data files.

Regarding claim 16, Janky discloses everything claimed as applied above (see claim 17). Janky fails to disclose the processor providing display information step-by-step on the display.

Information may displayed in various way, thus making it obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Janky by implementing specific way or manner as how information is to be display for utilizing minimum space and enabling an efficient display of the information as desired.

Response to Arguments

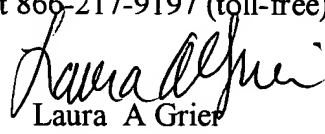
5. Applicant's arguments, see response/amendment, filed 4/14/05, with respect to the rejection(s) of claim(s) 2-17 under 102(e) and 103(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Janky et al. Janky et al. teaches the claimed invention in respect the a microprocessor coupled to a display for displaying the audio files from various memories and being played back in real-time, and having user input command.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A. Grier whose telephone number is (571) 272-7518. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura A Grier
Primary Examiner
Art Unit 2644
August 22, 2005